



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/083,198 05/22/98 BRINGI

V 021653.0138

HM12/0630

LAURENCE H. POSORSKE  
BAKER & BOTTS  
THE WARNER; SUITE 1300  
1299 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON DC 20004-2400

EXAMINER

MARX, I

ART UNIT

PAPER NUMBER

1651

DATE MAILED:

06/30/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/083,198

Applicant(s)  
Bringi

Examiner  
Irene Marx

Group Art Unit  
1651



☒ Responsive to communication(s) filed on Mar 7, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-3, 6-21, and 24-72 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3, 6-21, and 24-72 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

The amendment filed 3/7/00 acknowledged. Claims 1-3, 6-21, and 24-72 are being considered on the merits. The omission of claims 6-20 in the listing of claims in the last office action was inadvertent, as recognized by applicants.

The application should be reviewed for errors. Error occurs, for example, in claim 48 regarding the lack of spaces between text and numbers. For the sake of consistency and to clarify the invention, in claims 13 and 49 the term "further" should be deleted. Also the antecedent basis of "the silver" in claims 19-21 should be clarified. Amendment to --the silver-containing compound-- would be remedial.

Table 2 should be replaced. The last line thereof is illegible.

The extensive changes to tables, text and footnotes to replace "mM" with " $\mu$ M" are entered because of applicants' reliance on the parent application for support for this material.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 6-21, and 24-71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and confusing in the recitation of "(a) a jasmonate-related compounds and alkyl esters thereof".

Claims 39 and 40 fail to find clear antecedent basis for "(a) jasmonate-related compounds and alkyl esters thereof" in claim 1.

Claim 42 is confusing in that it is unclear whether each of the two media or just the second "induces taxane production". From dependent claim 49 it is unclear which of the media is replenished. Is it the first or the second or both?

In claim 43 the amount intended by "lower" and "higher" are undefined, rendering the claim vague and indefinite. That these terms pertain to a comparison is noted. However, the

claim does not specify the extent of a difference in the values compared (Response, page 20, last paragraph).

With respect to applicants arguments that "saccharide" in claims 43-48 was copied at least from claims 50 and 61 in the Yukimune patent, it is noted that the language used therein is "a saccharide", which appears appropriate.

It is apparent that by "periodic nutrient medium exchange" applicants intend "replenishing medium components and removing spent medium" (Specification, page 55, paragraph 4). It is recommended that this language be used.

With respect to "auxin-related growth regulator" it is noted that no clear definition is found in the specification, even though a few examples are proffered. It is unclear from the context whether the relationship to auxin is close or far.

Applicants' allegations regarding the scope of claims 71 and 72 are noted. However, applicants' attention is directed to the open language "comprising", such that the addition of jasmonate compounds is not explicitly excluded therefrom.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irene Marx whose telephone number is (703) 308-2922.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn, can be reached on (703) 308-4743. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

  
**IRENE MARX**  
**PRIMARY EXAMINER**